

**SUSPEND THE RULES AND PASS THE BILL, H.R. 3676, WITH AN
AMENDMENT**

**(The amendment strikes out all after the enacting clause and inserts
a new text)**

106TH CONGRESS
2D SESSION

H. R. 3676

To establish the Santa Rosa and San Jacinto Mountains National Monument
in the State of California.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2000

Mrs. BONO introduced the following bill; which was referred to the Committee
on Resources

A BILL

To establish the Santa Rosa and San Jacinto Mountains
National Monument in the State of California.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Santa Rosa and San Jacinto Mountains National Monu-
6 ment Act of 2000”.



1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Establishment of Santa Rosa and San Jacinto Mountains National Monument, California.

Sec. 3. Management of Federal lands in the National Monument.

Sec. 4. Development of management plan.

Sec. 5. Existing and historical uses of Federal lands included in Monument.

Sec. 6. Acquisition of land.

Sec. 7. Local advisory committee.

Sec. 8. Authorization of appropriations.

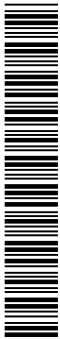
3 **SEC. 2. ESTABLISHMENT OF SANTA ROSA AND SAN**
4 **JACINTO MOUNTAINS NATIONAL MONUMENT,**
5 **CALIFORNIA.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) The Santa Rosa and San Jacinto Moun-
8 tains in southern California contain nationally sig-
9 nificant biological, cultural, recreational, geological,
10 educational, and scientific values.

11 (2) The magnificent vistas, wildlife, land forms,
12 and natural and cultural resources of these moun-
13 tains occupy a unique and challenging position given
14 their proximity to highly urbanized areas of the
15 Coachella Valley.

16 (3) These mountains, which rise abruptly from
17 the desert floor to an elevation of 10,802 feet, pro-
18 vide a picturesque backdrop for Coachella Valley
19 communities and support an abundance of rec-
20 reational opportunities that are an important re-
21 gional economic resource.



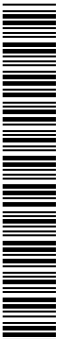
1 (4) These mountains have special cultural value
2 to the Agua Caliente Band of Cahuilla Indians, con-
3 taining significant cultural sites, including village
4 sites, trails, petroglyphs, and other evidence of their
5 habitation.

6 (5) The designation of a Santa Rosa and San
7 Jacinto Mountains National Monument by this Act
8 is not intended to impact upon existing or future
9 growth in the Coachella Valley.

10 (6) Because the areas immediately surrounding
11 the new National Monument are densely populated
12 and urbanized, it is anticipated that certain activi-
13 ties or uses on private lands outside of the National
14 Monument may have some impact upon the National
15 Monument, and Congress does not intend, directly
16 or indirectly, that additional regulations be imposed
17 on such uses or activities as long as they are con-
18 sistent with other applicable law.

19 (7) The Bureau of Land Management and the
20 Forest Service should work cooperatively in the man-
21 agement of the National Monument.

22 (b) ESTABLISHMENT AND PURPOSES.—In order to
23 preserve the nationally significant biological, cultural, rec-
24 reational, geological, educational, and scientific values
25 found in the Santa Rosa and San Jacinto Mountains and

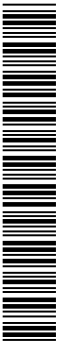


1 to secure now and for future generations the opportunity
2 to experience and enjoy the magnificent vistas, wildlife,
3 land forms, and natural and cultural resources in these
4 mountains and to recreate therein, there is hereby des-
5 ignated the Santa Rosa and San Jacinto Mountains Na-
6 tional Monument (in this Act referred to as the “National
7 Monument”).

8 (c) BOUNDARIES.—The National Monument shall
9 consist of Federal lands and Federal interests in lands lo-
10 cated within the boundaries depicted on a series of 24
11 maps entitled “Boundary Map, Santa Rosa and San
12 Jacinto National Monument”, 23 of which are dated May
13 6, 2000, and depict separate townships and one of which
14 is dated June 22, 2000, and depicts the overall bound-
15 aries.

16 (d) LEGAL DESCRIPTIONS; CORRECTION OF ER-
17 RORS.—

18 (1) PREPARATION AND SUBMISSION.—As soon
19 as practicable after the date of the enactment of this
20 Act, the Secretary of the Interior shall use the map
21 referred to in subsection (c) to prepare legal descrip-
22 tions of the boundaries of the National Monument.
23 The Secretary shall submit the resulting legal de-
24 scriptions to the Committee on Resources and the
25 Committee on Agriculture of the House of Rep-



1 representatives and to the Committee on Energy and
2 Natural Resources and the Committee on Agri-
3 culture, Nutrition, and Forestry of the Senate.

4 (2) LEGAL EFFECT.—The map and legal de-
5 scriptions of the National Monument shall have the
6 same force and effect as if included in this Act, ex-
7 cept that the Secretary of the Interior may correct
8 clerical and typographical errors in the map and
9 legal descriptions. The map shall be on file and
10 available for public inspection in appropriate offices
11 of the Bureau of Land Management and the Forest
12 Service.

13 **SEC. 3. MANAGEMENT OF FEDERAL LANDS IN THE NA-**
14 **TIONAL MONUMENT.**

15 (a) BASIS OF MANAGEMENT.—The Secretary of the
16 Interior and the Secretary of Agriculture shall manage the
17 National Monument to protect the resources of the Na-
18 tional Monument, and shall allow only those uses of the
19 National Monument that further the purposes for the es-
20 tablishment of the National Monument, in accordance
21 with—

22 (1) this Act;

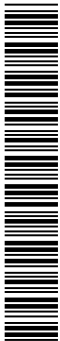
23 (2) the Federal Land Policy and Management
24 Act of 1976 (43 U.S.C. 1701 et seq.);



1 (3) the Forest and Rangeland Renewable Re-
2 sources Planning Act of 1974 (16 U.S.C. 1600 et
3 seq.) and section 14 of the National Forest Manage-
4 ment Act of 1976 (16 U.S.C. 472a); and
5 (4) other applicable provisions of law.

6 (b) ADMINISTRATION OF SUBSEQUENTLY ACQUIRED
7 LANDS.—Lands or interests in lands within the bound-
8 aries of the National Monument that are acquired by the
9 Bureau of Land Management after the date of the enact-
10 ment of this Act shall be managed by the Secretary of
11 the Interior. Lands or interests in lands within the bound-
12 aries of the National Monument that are acquired by the
13 Forest Service after the date of enactment of this Act shall
14 be managed by the Secretary of Agriculture.

15 (c) PROTECTION OF RESERVATION, STATE, AND PRI-
16 VATE LANDS AND INTERESTS.—Nothing in the establish-
17 ment of the National Monument shall affect any property
18 rights of any Indian reservation, any individually held
19 trust lands, any other Indian allotments, any lands or in-
20 terests in lands held by the State of California, any polit-
21 ical subdivision of the State of California, any special dis-
22 trict, or the Mount San Jacinto Winter Park Authority,
23 or any private property rights within the boundaries of
24 the National Monument. Establishment of the National
25 Monument shall not grant the Secretary of the Interior



1 or the Secretary of Agriculture any new authority on or
2 over non-Federal lands not already provided by law. The
3 authority of the Secretary of the Interior and the Sec-
4 retary of Agriculture under this Act extends only to Fed-
5 eral lands and Federal interests in lands included in the
6 National Monument.

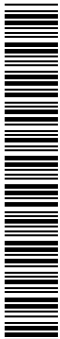
7 (d) EXISTING RIGHTS.—The management of the Na-
8 tional Monument shall be subject to valid existing rights.

9 (e) NO BUFFER ZONES AROUND NATIONAL MONU-
10 MENT.—Because the National Monument is established in
11 a highly urbanized area—

12 (1) the establishment of the National Monu-
13 ment shall not lead to the creation of express or im-
14 plied protective perimeters or buffer zones around
15 the National Monument;

16 (2) an activity on, or use of, private lands up
17 to the boundaries of the National Monument shall
18 not be precluded because of the monument designa-
19 tion, if the activity or use is consistent with other
20 applicable law; and

21 (3) an activity on, or use of, private lands, if
22 the activity or use is consistent with other applicable
23 law, shall not be directly or indirectly subject to ad-
24 ditional regulation because of the designation of the
25 National Monument.



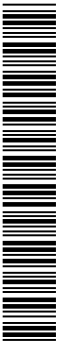
1 (f) AIR AND WATER QUALITY.—Nothing in this Act
2 shall be construed to change standards governing air or
3 water quality outside of the designated area of the Na-
4 tional Monument.

5 **SEC. 4. DEVELOPMENT OF MANAGEMENT PLAN.**

6 (a) DEVELOPMENT REQUIRED.—

7 (1) IN GENERAL.—Not later than 3 years after
8 of the date of enactment of this Act, the Secretary
9 of the Interior and the Secretary of Agriculture shall
10 complete a management plan for the conservation
11 and protection of the National Monument consistent
12 with the requirements of section 3(a). The Secre-
13 taries shall submit the management plan to Con-
14 gress before it is made public.

15 (2) MANAGEMENT PENDING COMPLETION.—
16 Pending completion of the management plan for the
17 National Monument, the Secretaries shall manage
18 Federal lands and interests in lands within the Na-
19 tional Monument substantially consistent with cur-
20 rent uses occurring on such lands and under the
21 general guidelines and authorities of the existing
22 management plans of the Forest Service and the
23 Bureau of Land Management for such lands, in a
24 manner consistent with other applicable Federal law.

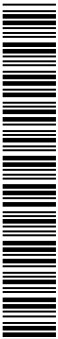


1 (3) RELATION TO OTHER AUTHORITIES.—Noth-
2 ing in this subsection shall preclude the Secretaries,
3 during the preparation of the management plan,
4 from implementing subsections (b) and (i) of section
5 5. Nothing in this section shall be construed to di-
6 minish or alter existing authorities applicable to
7 Federal lands included in the National Monument.

8 (b) CONSULTATION AND COOPERATION.—

9 (1) IN GENERAL.—The Secretaries shall pre-
10 pare and implement the management plan required
11 by subsection (a) in accordance with the National
12 Environmental Policy Act of 1969 (42 U.S.C. 4321
13 et seq.) and in consultation with the local advisory
14 committee established pursuant to section 7 and, to
15 the extent practicable, interested owners of private
16 property and holders of valid existing rights located
17 within the boundaries of the National Monument.
18 Such consultation shall be on a periodic and regular
19 basis.

20 (2) AGUA CALIENTE BAND OF CAHUILLA INDI-
21 ANS.—The Secretaries shall make a special effort to
22 consult with representatives of the Agua Caliente
23 Band of Cahuilla Indians regarding the management
24 plan during the preparation and implementation of
25 the plan.

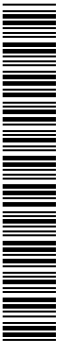


1 (3) WINTER PARK AUTHORITY.—The manage-
2 ment plan shall consider the mission of the Mount
3 San Jacinto Winter Park Authority to make acces-
4 sible to current and future generations the natural
5 and recreational treasures of the Mount San Jacinto
6 State Park and the National Monument. Establish-
7 ment and management of the National Monument
8 shall not be construed to interfere with the mission
9 or powers of the Mount San Jacinto Winter Park
10 Authority, as provided for in the Mount San Jacinto
11 Winter Park Authority Act of the State of Cali-
12 fornia.

13 (c) COOPERATIVE AGREEMENTS.—

14 (1) GENERAL AUTHORITY.—Consistent with the
15 management plan and existing authorities, the Sec-
16 retaries may enter into cooperative agreements and
17 shared management arrangements, which may in-
18 clude special use permits with any person, including
19 the Agua Caliente Band of Cahuilla Indians, for the
20 purposes of management, interpretation, and re-
21 search and education regarding the resources of the
22 National Monument.

23 (2) USE OF CERTAIN LANDS BY UNIVERSITY OF
24 CALIFORNIA.—In the case of any agreement with the
25 University of California in existence as of the date



1 of enactment of this Act relating to the University's
2 use of certain Federal land within the National
3 Monument, the Secretaries shall, consistent with the
4 management plan and existing authorities, either re-
5 vise the agreement or enter into a new agreement as
6 may be necessary to ensure its consistency with this
7 Act.

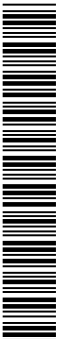
8 **SEC. 5. EXISTING AND HISTORICAL USES OF FEDERAL**
9 **LANDS INCLUDED IN MONUMENT.**

10 (a) RECREATIONAL ACTIVITIES GENERALLY.—The
11 management plan required by section 4(a) shall include
12 provisions to continue to authorize the recreational use of
13 the National Monument, including such recreational uses
14 as hiking, camping, mountain biking, sightseeing, and
15 horseback riding, as long as such recreational use is con-
16 sistent with this Act and other applicable law.

17 (b) MOTORIZED VEHICLES.—Except where or when
18 needed for administrative purposes or to respond to an
19 emergency, use of motorized vehicles in the National
20 Monument shall be permitted only on roads and trails des-
21 ignated for use of motorized vehicles as part of the man-
22 agement plan.

23 (c) HUNTING, TRAPPING, AND FISHING.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), the Secretary of the Interior and the Sec-

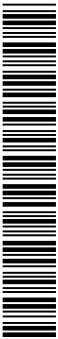


1 retary of Agriculture shall permit hunting, trapping,
2 and fishing within the National Monument in ac-
3 cordance with applicable laws (including regulations)
4 of the United States and the State of California.

5 (2) REGULATIONS.—The Secretaries, after con-
6 sultation with the California Department of Fish
7 and Game, may issue regulations designating zones
8 where, and establishing periods when, no hunting,
9 trapping, or fishing will be permitted in the National
10 Monument for reasons of public safety, administra-
11 tion, or public use and enjoyment.

12 (d) ACCESS TO STATE AND PRIVATE LANDS.—The
13 Secretaries shall provide adequate access to nonfederally
14 owned land or interests in land within the boundaries of
15 the National Monument, which will provide the owner of
16 the land or the holder of the interest the reasonable use
17 and enjoyment of the land or interest, as the case may
18 be.

19 (e) UTILITIES.—Nothing in this Act shall have the
20 effect of terminating any valid existing right-of-way within
21 the Monument. The management plan prepared for the
22 National Monument shall address the need for and, as
23 necessary, establish plans for the installation, construc-
24 tion, and maintenance of public utility rights-of-way with-



1 in the National Monument outside of designated wilder-
2 ness areas.

3 (f) MAINTENANCE OF ROADS, TRAILS, AND STRUC-
4 TURES.—In the development of the management plan re-
5 quired by section 4(a), the Secretaries shall address the
6 maintenance of roadways, jeep trails, and paths located
7 in the National Monument.

8 (g) GRAZING.—The Secretaries shall issue and ad-
9 minister any grazing leases or permits in the National
10 Monument in accordance with the same laws (including
11 regulations) and executive orders followed by the Secre-
12 taries in issuing and administering grazing leases and per-
13 mits on other land under the jurisdiction of the Secre-
14 taries. Nothing in this Act shall affect the grazing permit
15 of the Wellman family (permittee number 12–55–3) on
16 lands included in the National Monument.

17 (h) OVERFLIGHTS.—

18 (1) GENERAL RULE.—Nothing in this Act or
19 the management plan prepared for the National
20 Monument shall be construed to restrict or preclude
21 overflights, including low-level overflights, over lands
22 in the National Monument, including military, com-
23 mercial, and general aviation overflights that can be
24 seen or heard within the National Monument. Noth-
25 ing in this Act or the management plan shall be con-



1 strued to restrict or preclude the designation or cre-
2 ation of new units of special use airspace or the es-
3 tablishment of military flight training routes over
4 the National Monument.

5 (2) COMMERCIAL AIR TOUR OPERATION.—Any
6 commercial air tour operation over the National
7 Monument is prohibited unless such operation was
8 conducted prior to February 16, 2000. For purposes
9 of this paragraph, “commercial air tour operation”
10 means any flight conducted for compensation or hire
11 in a powered aircraft where a purpose of the flight
12 is sightseeing.

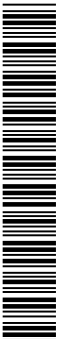
13 (i) WITHDRAWALS.—

14 (1) IN GENERAL.—Subject to valid existing
15 rights as provided in section 3(d), the Federal lands
16 and interests in lands included within the National
17 Monument are hereby withdrawn from—

18 (A) all forms of entry, appropriation, or
19 disposal under the public land laws;

20 (B) location, entry, and patent under the
21 public land mining laws; and

22 (C) operation of the mineral leasing and
23 geothermal leasing laws and the mineral mate-
24 rials laws.



1 (2) EXCHANGE.—Paragraph (1)(A) does not
2 apply in the case of—

3 (A) an exchange that the Secretary deter-
4 mines would further the protective purposes of
5 the National Monument; or

6 (B) the exchange provided in section 6(e).

7 **SEC. 6. ACQUISITION OF LAND.**

8 (a) ACQUISITION AUTHORIZED; METHODS.—State,
9 local government, tribal, and privately held land or inter-
10 ests in land within the boundaries of the National Monu-
11 ment may be acquired for management as part of the Na-
12 tional Monument only by—

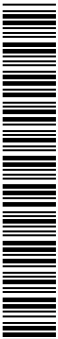
13 (1) donation;

14 (2) exchange with a willing party; or

15 (3) purchase from a willing seller.

16 (b) USE OF EASEMENTS.—To the extent practicable,
17 and if preferred by a willing landowner, the Secretary of
18 the Interior and the Secretary of Agriculture shall use per-
19 manent conservation easements to acquire interests in
20 land in the National Monument in lieu of acquiring land
21 in fee simple and thereby removing land from non-Federal
22 ownership.

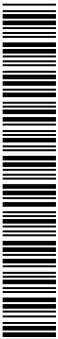
23 (c) VALUATION OF PRIVATE PROPERTY.—The
24 United States shall offer the fair market value for any



1 interests or partial interests in land acquired under this
2 section.

3 (d) INCORPORATION OF ACQUIRED LANDS AND IN-
4 TERESTS.—Any land or interest in lands within the
5 boundaries of the National Monument that is acquired by
6 the United States after the date of the enactment of this
7 Act shall be added to and administered as part of the Na-
8 tional Monument as provided in section 3(b).

9 (e) LAND EXCHANGE AUTHORIZATION.—In order to
10 support the cooperative management agreement in effect
11 with the Agua Caliente Band of Cahuilla Indians as of
12 the date of the enactment of this Act, the Secretary of
13 the Interior may, without further authorization by law, ex-
14 change lands which the Bureau of Land Management has
15 acquired using amounts provided under the Land and
16 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
17 4 et seq.), with the Agua Caliente Band of Cahuilla Indi-
18 ans. Any such land exchange may include the exchange
19 of federally owned property within or outside of the bound-
20 aries of the National Monument for property owned by
21 the Agua Caliente Band of Cahuilla Indians within or out-
22 side of the boundaries of the National Monument. The ex-
23 changed lands acquired by the Secretary within the bound-
24 aries of the National Monument shall be managed for the
25 purposes described in section 2(b).



1 **SEC. 7. LOCAL ADVISORY COMMITTEE.**

2 (a) ESTABLISHMENT.—The Secretary of the Interior
3 and the Secretary of Agriculture shall jointly establish an
4 advisory committee for the National Monument, whose
5 purpose shall be to advise the Secretaries with respect to
6 the preparation and implementation of the management
7 plan required by section 4.

8 (b) REPRESENTATION.—To the extent practicable,
9 the advisory committee shall include the following mem-
10 bers:

11 (1) A representative with expertise in natural
12 science and research selected from a regional college
13 or university.

14 (2) A representative of the California Depart-
15 ment of Fish and Game or the California Depart-
16 ment of Parks and Recreation.

17 (3) A representative of the County of Riverside,
18 California.

19 (4) A representative of each of the following cit-
20 ies: Palm Springs, Cathedral City, Rancho Mirage,
21 La Quinta, Palm Desert, and Indian Wells.

22 (5) A representative of the Agua Caliente Band
23 of Cahuilla Indians.

24 (6) A representative of the Coachella Valley
25 Mountains Conservancy.



1 (7) A representative of a local conservation or-
2 ganization.

3 (8) A representative of a local developer or
4 builder organization.

5 (9) A representative of the Winter Park Au-
6 thority.

7 (10) A representative of the Pinyon Community
8 Council.

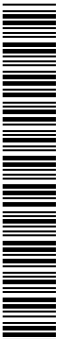
9 (c) TERMS.—

10 (1) STAGGERED TERMS.—Members of the advi-
11 sory committee shall be appointed for terms of 3
12 years, except that, of the members first appointed,
13 $\frac{1}{3}$ of the members shall be appointed for a term of
14 1 year and $\frac{1}{3}$ of the members shall be appointed for
15 a term of 2 years.

16 (2) REAPPOINTMENT.—A member may be re-
17 appointed to serve on the advisory committee upon
18 the expiration of the member's current term.

19 (3) VACANCY.—A vacancy on the advisory com-
20 mittee shall be filled in the same manner as the
21 original appointment.

22 (d) QUORUM.—A quorum shall be 8 members of the
23 advisory committee. The operations of the advisory com-
24 mittee shall not be impaired by the fact that a member



1 has not yet been appointed as long as a quorum has been
2 attained.

3 (e) CHAIRPERSON AND PROCEDURES.—The advisory
4 committee shall elect a chairperson and establish such
5 rules and procedures as it deems necessary or desirable.

6 (f) SERVICE WITHOUT COMPENSATION.—Members
7 of the advisory committee shall serve without pay.

8 (g) TERMINATION.—The advisory committee shall
9 cease to exist on the date upon which the management
10 plan is officially adopted by the Secretaries, or later at
11 the discretion of the Secretaries.

12 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated such sums
14 as are necessary to carry out this Act.

